

86-911

Supreme Court, U.S.
FILED

DEC 2 1986

JOSEPH F. SPANOL, JR.
CLERK

NO. _____

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1986

CHARLES J. KRALL

Petitioner,

v.

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF SOUTH DAKOTA

Respondent.

Petition for Writ of Certiorari Directed
to the UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

Charles J. Krall
1 North Harmon Drive
Mitchell, South Dakota
(605) 996-3113

Petitioner In Propria Persona

24/88

QUESTIONS PRESENTED FOR REVIEW

CAN THE FEDERAL GOVERNMENT AND/OR THE AGENCY INTERNAL REVENUE SERVICE IMPOSE UPON A **WHITE** PRIVATE DE JURE COMMON LAW CITIZEN/INHABITANT OF THE CHRISTIAN FAITH, WHOSE CITIZENSHIP IS BASED UPON THE PREAMBLE TO THE ORGANIC CONSTITUTION OF THE UNITED STATES OF AMERICA AND ARTICLE IV, §2 OF SAME, WITHOUT HIS/HER KNOWLEDGE OR CONSENT, AND BY CONSTRUCTIVE FORCE CHARGE AND PROCEED AGAINST THEM AS A DE FACTO ARTIFICIAL CITIZEN ALLEGEDLY CREATED BY THE FOURTEENTH AMENDMENT?

CAN THE FEDERAL DISTRICT COURT FOR THE SOUTHERN DISTRICT OF SOUTH DAKOTA AND THEN THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT, BOTH WITHOUT EXPRESS OPINION AND WITHOUT OBTAINING JURISDICTION IN PERSONAM OVER THE PETITIONER BY ANY LAWFUL MEANS, THEN PROCEED TO FORCE PETITIONER, A **WHITE** CHRISTIAN MALE OF THE POSTERITY OF OUR FOREFATHERS, AND NOT A FOURTEENTH AMENDMENT OR ENFRANCHISED PERSON, INTO A STAR CHAMBER ALLEGED "TRIAL" HELD UNDER MARITIME JURISDICTION WHERE THE BILL OF RIGHTS IS NOT APPLICABLE, THUS DENYING HIM, UNLAWFULLY, THE SUBSTANTIVE INALIENABLE/UNALIENABLE RIGHTS GIVEN TO HIM BY THE LORD, HIS CREATOR, AND NOT BY ANY GOVERNMENT OR COURT?

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PETITION FOR WRIT OF CERTIORARI TO THE
U.S. COURT OF APPEALS FOR THE EIGHTH CIRCUIT

The petitioner Charles J. Krall, a White male of the Christian faith and a de jure common law citizen/inhabitant of the State of South Dakota, whose citizenship originates from the Preamble to the organic Constitution of the United States and Article IV, §2 of same, and not from the Fourteenth Amendment, respectfully moves this Court to issue a writ of certiorari to review the judgement of the United States Court of Appeals for the Eighth Circuit entered on October 7, 1986.

Petitioner further asks this Court to remember that for reasons of the subject matter and the seizure of his personal finances by the agency Internal Revenue Service, he has been forced to comply this writ with his own limited knowledge and therefore feels he should not be held to the normal high standards demanded of licenesed attorneys.

OPINION BELOW

The Eighth Circuit Court of Appeals entered its denial of petitioner's petition for writ of mandamus on October 7, 1986 leaving petitioner without any remedy of law with respect to the criminal charges brought against him and with no apparent nature and cause being established (copy of denial attached as APP. A-1).

JURISDICTION

On October 7, 1986 the Eighth Circuit Court of Appeals denied petitioners petition for a writ of mandamus. The jurisdiction for this Court is invoked under Title 28, Section 1254(1), U.S. Code. This Court also has jurisdiction to issue the writ of mandamus pursuant to Title 28, Section 1651, U.S. Code.

STATEMENT OF THE CASE & FACTS

On August 21, 1986 petitioner received a summons from special IRS agent Charles A. Smith summoning him to appear before the U.S. District Court in Sioux Falls, South Dakota on Friday, August 22, 1986

at 2:00 P.M. to answer an indictment charging him with two violations of 26 USC 7206(1).

Subsequently, petitioner Charles J. Krall did appear "specially" and not generally where he tried to file a Notice & Demand To Quash & Dismiss For Lack Of Jurisdiction, a seven page document with exhibits A through E. The court refused to even read the document and proceeded to order my assistance of counsel under the Sixth Amendment out of the court area and into the public area, under threat of incarceration by three armed U.S. Marshalls.

The Court then refused to answer my question of what jurisdiction I was being arraigned in noting that I was in the best country in the world, etc. ad nauseum.

Subsequently, petitioner Charles J. Krall was put under bond and ordered to appear for a number of hearings all without his Sixth Amendment counsel of choice or assistance of counsel. Petitioner Charles J. Krall therefore refused all

court appointed counsel and refused to proceed pro se (except in the arraignment where he was confused and trapped into it) because he was in need of his own assistance of counsel and not being familiar with the proceedings he tried to find out the nature (jurisdiction) the Court was conducting this travesty of justice in but because of fear of the armed marshalls and the Court being unwilling to answer any question but what it deemed relevant, petitioner was overwhelmed by this show of force.

On three successive days (Sept. 22, 23 and 24, 1986) hearings were called by the Court to force a court appointed licenesed attorney on petitioner. On September 23, 1986 in particular petitioner Charles J. Krall did manage to ask the Court as follows from lines 15-25 of page three (3) of the transcript:

DEFENDANT KRALL: Can you force me to waive my rights and get me into a special maritime jurisdiction? When Mr. Ulrich

[Asst. U.S. Attorney] answered the Brief that I put in under Title 18, he says that I am under the admiralty jurisdiction.

THE COURT: Well, the Court adheres to the ruling previously made. All right Dr. Krall--

DEFENDANT KRALL: Can you force me to---

THE COURT: Excuse me sir. We will now go on to another subject.

As this Court can see petitioner Krall was denied an answer to the question of jurisdiction over his person and the court and there is no excuse for this under the law. Consider this Court's own opinion in Brady v. U.S., 397 US 742, 748: "Waivers of Constitutional rights not only must be voluntary, but must be knowing, intelligent acts done with sufficient awareness of the relevant circumstances and likely consequences." Also, Miranda v. Arizona, 380 US 436, 86 S. Ct.: "Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them."

This Court full well knows, as did the district court that a maritime or equity jurisdiction has to be accepted VOLUNTARILY, and not under duress and vis armata as was the case here. Thus far only subject matter jurisdiction has been claimed as the government's "answer", if one can call it that, to petitioner's Notice & Demand to Dismiss and 41 page Memorandum of Law on classes of citizenship proves: "Comes now the United States of America, by and through its attorney, Assistant United States Attorney John J. Ulrich, and responds to defendant's motion as follows:

The United States resists defendant's notice & demand to quash & dismiss for lack of jurisdiction and asserts that defendant's motion is frivolous and without merit. In United States v. Spurgeon, 671 F. 2d 1198 (8th. Cir. 1982), it was held that 18 USC §3231 confers jurisdiction on district courts over all offenses against the laws of the United States including

tax violations. Further, Article I, Section 8 of the Constitution and the Sixteenth Amendment empower Congress to create and enforce an income tax. Pursuant to that power, Congress has made federal crimes of certain actions aimed at avoiding payment of income tax. 26 USC §§7201 - 7210 inclusive.

Dated this 17th. day of September, 1986."

There are so many inaccuracies in what Asst. U.S. Attorney Ulrich wrote in the above that it defies logic: For starters he fails to answer or even mention petitioner's 41 page Memorandum of Law on citizenship. If 18 USC §3231 confers jurisdiction for this alleged "crime" of petitioner then why was he not charged under Title 18 (Crimes & Criminal Procedure) - because it is not listed as a crime in all of Title 18, that's why! Furthermore, government Attorney Ulrich fails to mention that no criminal jurisdiction is given to the government

by Congress in the entire IRS Code, and that in the Code of the United States (all volumes) it shows very plainly that Title 26, U.S Code, has not been enacted into LAW by the U.S. Congress! Why? Because it has to be VOLUNTARY as it VIOLATES much of the organic Constitution. As to Article I, §8 this deals only in EXCISE (voluntary) taxes. And concerning the 16th. Amendment, which does not change any of the above, it has recently been PROVED with certified documents from the Library of Congress and the National Archives that it was NEVER LAWFULLY RATIFIED! Of course the courts are now saying that it really doesn't matter since it has now become a "political" question. Is there any decency or honesty left in our judicial system? Petitioner wonders....

ARGUMENT

Petitioner Charles J. Krall maintains that he is not an enfranchised "person" or a 14th. Amendment citizen but is rather a white male of the Christian faith, a

de jure common law citizen/inhabitant of the Posterity of our forefathers, whose state common law citizenship flows into and is set forth in the Preamble to the organic Constitution of the United States of America and Article IV, §2 of same. See Dred Scott v. Sanford, 19 Howard 393, at pages 404, 405, 407, 409, 410 and 412 through 419; State v. Clairborne, 1 Meig's Rep. 331, 335; Amy v. Smith, 1 Litt. Ky. R. 326, 334.

It seems quite evident that although there is no requirement that clearly states just who is required to file a Form 1040 for some alleged "income" tax in all the IRS Code, there is a requirement stated in the Code of Federal Regulations, Volume 26, Section 1.1-1, paragraphs (b) and (c) which make it plain that 14th. Amendment citizens are liable for the income tax. As stated previously, the IRS Code is just that - a code - it is not LAW. And it must be entered into VOLUNTARILY.

Petitioner Charles J. Krall, has not at any time, voluntarily and knowingly

entered into any agreement, contract, quasi-contract, etc. to become an enfranchised "person," 14th. Amendment citizen or anything but what he claims to be in this document. All filings done previously were done out of fear, ignorance and misrepresentation by the media, government and Internal Revenue Service. And since they were made without full disclosure on the part of the government/agency they are null and void. (See Brady v. U.S., 397 US 742, 748.)

Furthermore, the 14th. Amendment did not, nor can it, destroy petitioner's de jure organic citizenship, and he still retains all his substantive inalienable/unalienable GOD given RIGHTS (see Brushaver v. Union Pacific RR Co., 240 US 1, 12; Mattox v. United States, 156 US 237, 243; Kepner v. United States, 195 US 100, 126; Norris v. Baltimore, 172 MD 667, 192 A, 531; Cooke v. Iverson, 122 NW 251; and the Preamble to the Bill of Rights among others).

CONCLUSION

Petitioner Charles J. Krall has had his business ruined and family life disrupted plus seizures of assets along with all records pertaining to a good faith effort to rescind any unknown agreements, contracts, quasi-contracts, etc. In all of this at no time would the agency IRS or government (senators & congressmen merely turned petitioner's calls for help over to the IRS) attempt to answer petitioner's questions pertaining to personam jurisdiction or any other questions about the IRS Code. At all times there was a wall of silence and continued harassment. This Court has already ruled in Brady v. U.S., 397 US 742, 748 as follows: "Waivers of Constitutional rights not only must be voluntary, but must be knowing, intelligent acts done with sufficient awareness of the relevant circumstances and likely consequences." It is apparent from this opinion that no American should have to

suffer the many indignities, such as being thrown into jail like a common criminal; having my private property seized for public use without just compensation; denial of assistance of counsel of choice; denial of proof or any evidence of jurisdiction by the agency IRS and/or the government over me in persona; denial of the right to petition the government for redress of grievances; denial all substantive inalienable/unalienable rights that come not from the government but from my CREATOR (see West Virginia State Bd. of Educ. et al v. Barnette, (1943) 319 US 624; Hodges v. U.S., 203 US 1 (also cited by U.S.C.A. - 8th. Cir. Ct. 1942 - Culp v. U.S., 131 F. 2d. 93 at p. 98) thus stripping me of any meaningful defense and assuring another "star chamber" roman civil law maritime conviction; converting my insistance on standing on the organic Constitution into a crime (see Miller v. U.S., 230 F. 486 at 489; Sherver v. Cullen, 481 F. 2d, 946 (1973); Simmons

v. U.S., 390 US 389 (1968)). And all because petitioner Charles J. Krall was refused the information that he was entitled to by LAW. Petitioner has through what appears to be conspiracy and certainly misrepresentation, been denied his absolute right to contract (see Hale v. Henkle, 201 U.S 43) and allegedly stripped of his sovereignty. This is "cruel and unusual punishment" under the 8th. Amendment, to say the least. Petitioner Charles J. Krall does not now, nor has he ever asked for or accepted any government benefits - nor was he ever advised of any waiver of rights or freedom by any act he may have performed in this area such as applying for a "license," etc. This whole matter now becomes a pressing CONSTITUTIONAL question - does the government have any delegation of power from the organic Constitution of the United States to, without my (our) knowledge or consent, change completely our former contract, which is the organic Constitution

of the United States and Bill of Rights; our former organic citizenship/sovereignty, and thrust us like cattle into a renewed form of slavery? Petitioner thinks not - under any condition the Courts may bring forth. Just where does such authority allegedly come from? Thus far, both the district court and the 8th. Circuit Court of Appeals have refused to say one word about this other than "...denied and dismissed." Which again denies petitioner any remedy at law and actually creates an atmosphere for real law breaking.

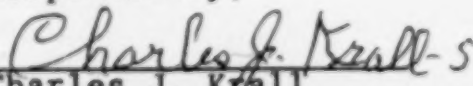
Petitioner Charles J. Krall is of the opinion that every member of this Supreme Court is aware of everything he has addressed and much more. It is a sad day for our country when a number of good honest decent Americans feel they have to call upon Amnesty International for help in calling attention to the above and our own political prisoners right here in America but they are doing just that at this moment.

Lastly, petitioner Charles J. Krall would like to again ask this Court to remember his status as a white male de jure citizen of the Posterity and to be mindful of his lack of knowledge and understanding of the rules and regulations of this Court pertaining to a writ of certiorari. This Court did address this somewhat in Miranda v. Arizona, 380 US 436, 86 S. Ct.

Petitioner also feels that his Petition for Mandamus and the 41 page Memorandum of Law on citizenship are vital to this Court's understanding and judgement of this writ and therefore will have this part of the record certified and sent to the Clerk of the U.S. Supreme Court in Washington, D.C. forthwith.

Dated: 11/25/86

Respectfully,


Charles J. Krall
In Propria Persona
1 North Harmon Drive
Mitchell, South Dakota 57301
(605) 996-3113

STATE OF SOUTH DAKOTA)
:SS
COUNTY OF MINNEHAHA)

I, Charles J. Krall do state that the foregoing writ of certiorari is true and correct to the best of my beliefs and knowledge.

Dated: 11/25/86

Charles J. Krall
Charles J. Krall
In Propria Persona
1 North Harmon Drive
Mitchell, S.D. 57301

SUBSCRIBED & AFFIRMED TO before me this
25th. day of November, 1986.

John Haller
Notary

My commission expires 5/22/87

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No. 86-5367SD

In Re: Charles J. Krall

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ORDER

Petitioner.

The petition of Charles J. Krall for writ of mandamus has been considered by the Court and is denied and dismissed.

October 7, 1986